

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)
) DOCKET NO. 1:18CR145
 v.)
) FACTUAL BASIS
 JONATHAN CODY ALEXANDER)
 _____)

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

On March 24, 2017, Homeland Security Investigations (HSI) Special Agent (SA), Klarisa Zaffark posted an online advertisement on Craigslist's Casual Encounters posing under cover as a 14-year old female named "Ash" in an attempt to identify and arrest possible child predators. At approximately 5:30PM that day, Jonathan Cody ALEXANDER responded to the posting.

From March 24, 2017 through April 10, 2017, "Ash" and ALEXANDER engaged in frequent communications via Craigslist. "Ash" informed ALEXANDER that she was 14 years-old, to which ALEXANDER responded "yea that's cool." ALEXANDER began repeatedly requesting that "Ash" send suggestive pictures of herself to him. When told she would not be able to do that, ALEXANDER began urging her to meet with him at a motel to engage in sexual activities with him. When "Ash" seemed reluctant ALEXANDER promised

her money if she were to engage in sex with him and another woman.¹ On March 30, 2017 at 5:00PM, ALEXANDER and “Ash” had the following exchange:

ALEXANDER: Need a girl that is sexy in a freak in sheets. Lol I got a suger mama that will pay good moneys to watch us?

ASH: Really!? How much and what kinda freaky? Never done something like that b4

ALEXANDER: Yes I’m for real. Lol it’s good easy money lol... [t]he bigger the freak the Better lol but say us sexing give each other head u rideing me me dick. N ya down her just watching shell pay like 200.

ASH: K like soon what? Wouldn’t mind a lil \$

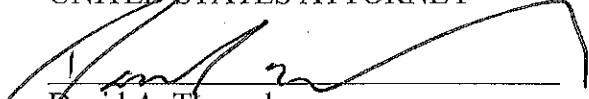
ALEXANDER: She pay more of she can get involved like giving u head while I’m n ya all that good stuff prolly 3 or 350?

On April 6, 2017, ALEXANDER and “Ash” made plans to meet at a restaurant near Hendersonville High School so that they could go to a motel to have sex. On April 10, 2017 at about 12:12PM, ALEXANDER arrived at the meeting place. At the time he arrived ALEXANDER had a Samsung Galaxy J1 cell phone that was receiving Craigslist messages from “Ash.”

ALEXANDER believed that he was making plans to meet and engage in sexual acts with a 14 year-old female, which would violate North Carolina General Statute 14-202.1, Taking Indecent Liberties with Children.

ALEXANDER thereby utilized the Internet to communicate with, entice, and attempt to entice, “Ash,” a 14 year-old minor female, to engage in sexual activity. The Internet is a facility of interstate commerce.

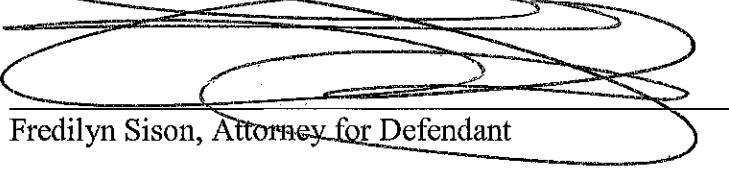
R. ANDREW MURRAY
UNITED STATES ATTORNEY


David A. Thorneloe
ASSISTANT UNITED STATES ATTORNEY

¹ Defendant asserts and the Government does not dispute that the woman referenced did not in fact exist and no third party ever appeared to meet with law enforcement.

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.


Fredilyn Sison, Attorney for Defendant

DATED: 3/21/19